

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JOHN STEVEN OLAUSEN,

Case No. 3:08-cv-00527-LRH-RAM

Petitioner,

ORDER

v.

SHERIFF OF WASHOE CO. JAIL, et al.,

Respondents.

On January 14, 2010, the court dismissed petitioner John Steven Olausen's *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 as successive (ECF No. 18). Judgment was entered (ECF No. 19). Olausen filed a notice of appeal with the Ninth Circuit (ECF No. 21). On June 30, 2010, the court of appeals denied his request for a certificate of appealability (ECF No. 24).

More than five years later on November 20, 2015, Olausen filed a motion for recusal of district judge (ECF No. 25). This motion is factually frivolous and utterly meritless. 28 U.S.C. § 2244(3)(A) provides: "[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." At the time that the court dismissed this petition as successive, it was at least Olausen's fourth successive petition filed without obtaining authorization of the Ninth Circuit (see ECF No. 18; 3:05-cv-00631-LRH-RAM; 3:06-cv-00069-PMP-VPC;

1 3:06-cv-00257-LRH-VPC). It is beyond question that Olausen's petition was correctly  
2 dismissed with prejudice as successive, and his motion to recuse is denied.

3 **IT IS THEREFORE ORDERED** that petitioner's motion for recusal of district  
4 judge (ECF No. 25) is **DENIED**.

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6 DATED this 16th day of August, 2016.

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8 LARRY R. HICKS  
9 UNITED STATES DISTRICT JUDGE  
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